

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

TERRANCE YEOMANS and CINDY
YEOMANS,

Plaintiffs,

v.

WORLD SAVINGS BANK; WELLS
FARGO BANK, N.A.,

Defendants.

CASE NO.: 2:12-cv-08828-R-MAN

**ORDER GRANTING MOTION TO
DISMISS BY DEFENDANTS
WELLS FARGO BANK, N.A.,
WITH PREJUDICE**

[Assigned to the Honorable Manuel L.
Real, District Judge]

Date: December 17, 2012
Time: 10:00 a.m.
Ctm: 8

The Motion to Dismiss Complaint by defendant WELLS FARGO BANK,
N.A., successor by merger with Wells Fargo Bank Southwest, N.A., f/k/a
Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB (erroneously named
separately as “World Savings Bank FSB” and “Wells Fargo Bank, N.A.”) (“Wells

ANGLIN FLEWELLING RASMUSSEN CAMPBELL & TRYTTEN LLP

Fargo”) came on regularly for hearing on December 17, 2012, the Honorable Manuel L. Real, District Judge, presiding.

The Court, having read and considered the motion, the request for judicial notice, all opposition and reply papers, and finding:

1. Plaintiffs’ first claim, *Quiet Title*, fails to state a claim for relief because: (i) Plaintiffs lack standing to bring this claim; (ii) Wells Fargo was authorized to foreclose on the subject property; and (iii) Plaintiffs did not tender the full indebtedness.

2. Plaintiffs’ second claim, *Declaratory Relief*, fails to state a claim for relief because: (i) Plaintiffs lack standing to bring this claim; (ii) Wells Fargo was authorized to foreclose on the subject property; and (iii) Plaintiffs did not tender the full indebtedness.

3. Plaintiffs’ third claim, *Wrongful Foreclosure*, fails to state a claim for relief because: (i) Plaintiffs lack standing to bring this claim; (ii) Wells Fargo was authorized to foreclose on the subject property; and (iii) Plaintiffs did not tender the full indebtedness.

IT IS HEREBY ORDERED:

1. Defendant Wells Fargo’s Request for Judicial Notice is granted.
2. Defendant Wells Fargo’s Motion to Dismiss Complaint is granted in all respects without leave to amend; and
3. The Complaint is dismissed with prejudice.

Dated: Jan. 25, 2012


HON. MANUEL L. REAL
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of Pasadena, California; my business address is 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101-2459.

On the date below, I served a copy of the foregoing document entitled:

**[PROPOSED] ORDER GRANTING MOTION TO DISMISS COMPLAINT
BY DEFENDANT WELLS FARGO BANK, N.A., WITH PREJUDICE**

on all interested parties in said case as follows:

Served Electronically Via the Court's CM/ECF System

*Counsel for Plaintiffs,
Terrence Yeomans and Cindy Yeomans:*

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in Pasadena, California, on **January 3, 2013**.

Rachelle Guillory
(Print Name)

/s/ Rachelle Guillory
(Signature of Declarant)